

Message Text

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ORIGIN AEC-11

INFO OCT-01 EUR-25 IO-14 ISO-00 FEA-02 ACDA-19 CIAE-00

INR-10 L-03 NSAE-00 NSC-07 RSC-01 SCI-06 /099 R

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FM SECSTATE WASHDC

TO USMISSION IAEA VIENNA PRIORITY

INFO AMEMBASSY MOSCOW

AMEMBASSY LONDON

USMISSION EC BRUSSELS

C O N F I D E N T I A L STATE 119492

EO11652 GDS

TAGS: TECH, PARM, IAEA

SUBJ: REPORTING INTERNATIONAL TRANSFERS OF NUCLEAR MATERIALS

REF: A) IAEA VIENNA 4692

B) IAEA VIENNA 3038

C) STATE 34710

D) STATE 15963

E) IAEA VIENNA 9884

1. REVISED DRAFT TEXT OF LETTER TO IAEA DG TRANSMITTED
IN REF A GENERALLY ACCEPTABLE, SUBJECT FOLLOWING COM-
MENTS:

(A) REF NUMBERED PARA (1) OF DRAFT TEXT, WE PREFER PHRASE "THE
ANTICIPATED EXPORT" INPLACE OF "EACH EXPORT" IN
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VIEW OUR INTENTION FURNISH AGENCY COPIES OF EXPORT

LICENSE APPLICATIONS OR RELEVANT ABSTRACTS THEREFROM FOR ADVANCE NOTIFICATION PURPOSES WITH UNDERSTANDING AGENCY COULD REQUEST SPECIFIC ADDITIONAL INFORMATION, IF DESIRED, IN CASES OF MULTIPLE SEQUENTIAL SHIPMENTS, PER PARA 3 REF (C) AND PARAS 2 AND 3 REF (D).

(B) RE LAST PARA OF NUMBERED PARA (1)

OF DRAFT TEXT, WE PREFER FOLLOWING VERSION:

"THE FOREGOING INFORMATION WILL BE PROVIDED NORMALLY AT LEAST TEN DAYS PRIOR TO EXPORT OF THE MATERIAL FROM MY COUNTRY; CONFIRMATION OF EACH EXPORT, INCLUDING PRECISE MEASUREMENT DATA AND DATE OF SHIPMENT, WILL BE PROVIDED PROMPTLY AFTER SUCH DATE."

(C) RE NUMBERED PARA (2) OF DRAFT TEXT, CHANGE

PHRASE "WHICH HAS BEEN SUBJECT TO SAFEGUARDS" TO READ

"WHICH, AT THE TIME OF EXPORT, IS SUBJECT TO SAFEGUARDS."

BELIEVE THIS MORE CLEARLY EXPRESSES INTENT THAN "HAS BEEN SUBJECT TO" WHICH COULD BE INTERPRETED TO MEAN AT ANY TIME IN THE PAST AND NOT NECESSARILY AT TIME OF EXPORT.

WITH THIS CHANGE, WE HAVE NO OB-

JECTION IN PRINCIPLE TO EXCLUDING PHRASE "FOR PEACEFUL NUCLEAR PURPOSES" REGARDING IMPORTS, PENDING RECEIPT OF UK'S VIEWS THIS POINT, IN VIEW FACT MATERIAL CONCERNED WOULD HAVE BEEN SUBJECT TO IAEA SAFEGUARDS AND EXPORT TO U.S. WOULD HAVE BEEN REPORTED IN ANY EVENT BY EXPORTING STATE.

2. WE PLEASED MISSION BELIEVES EXPORT LICENSE APPLICATIONS COULD BE USED BY AEC FOR PROVIDING ADVANCE NOTIFICATIONS OF EXPORTS, AND THAT MISSION WILL EXPLAIN BASIS TO SOVIETS. THIS CONFIRMS THAT SUCH APPLICATIONS WILL CONTAIN INFO CALLED FOR UNDER 1(A), (B) AND (C) OF DRAFT LETTER. RE ARKADIEV'S COMMENTS RE PREFERENCE THAT USG RATHER THAN PRIVATE COMPANIES PROVIDE INFO TO AGENCY, IT SHOULD BE EMPHASIZED THAT SINCE LICENSE APPLICATIONS OR RELEVANT ABSTRACTS THEREFROM WOULD BE FURNISHED BY AEC AND APPLICATIONS ARE BASIS FOR EXPORT AUTHORIZATION, THEY WOULD IN FACT BE "GOVERNMENT INFORMATION". SIMILARLY, ANY SPECIFIC ADDITIONAL ADVANCE INFORMATION REQUESTED BY AGENCY RE INDIVIDUAL EXPORTS WOULD BE OBTAINED FROM COMPANIES AND PRO-CONFIDENTIAL

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VIDED BY AEC.

3. ABILITY OF UK/EURATOM TO PROVIDE ADVANCE INFORMATION ON EXPORTS NEEDS CLARIFICATION. WE WOULD LIKE TO REITERATE OUR POSITION THAT 10-DAY ADVANCE NOTIFICATION STIPULATION MUST BE UNIFORM FOR ALL THREE PARTIES.

4. WE CONTINUE PREFER NOT INCLUDE STANDARD ARTICLES 91-97

RE REPORTING INTERNATIONAL TRANSFERS IN PROPOSED US/IAEA SAFEGUARDS AGREEMENT, AND HOPE THAT ARRANGEMENTS WITH UK AND USSR WILL SERVE TO PROVIDE AGENCY AND GERMANS ADEQUATE DEGREE OF SATISFACTION TO MAINTAIN THIS POSITION IN VIEW FACT ADVANCE INFO ON EXPORTS WILL BE PROVIDED. IF, HOWEVER, AGENCY REMAINS CONCERNED OVER ADVANCE INFO ON IMPORTS AND CAN CLEARLY DEMONSTRATE SUBSTANTIVE SAFEGUARDS NEED FOR SUCH INFO, WE PREPARED TO CONSIDER SPECIAL ARRANGEMENTS FOR US TO PROVIDE INFO TO AGENCY, TO EXTENT NEEDED. WE WOULD HOPE, OF COURSE, THAT SUCH ARRANGEMENTS WOULD HELP PERSUADE UK AND USSR TO PROVIDE COMPARABLE DATA.

5. WE HAVE NO OBJECTION IN PRINCIPLE TO SENDING A LETTER TO DG PRIOR JUNE 11 BOARD OF GOVERNORS MEETING IF AGREEMENT ON DRAFT TEXT CAN BE REACHED WITH U.K. AND USSR, AND IF APPROPRIATE INTERNAL USG APPROVALS TO PROPOSED ARRANGEMENT OBTAINED PRIOR THAT TIME, BUT THIS SEEMS UNLIKELY IN SHORT TIME AVAILABLE. IN ANY EVENT, BELIEVE IT DESIRABLE AGREED-ON LETTER REACH DG IN SUFFICIENT TIME FOR IT BE REFERRED TO IN REPORTS IAEA PREPARING FOR SECOND PREPCOM MEETING OF NPT REVIEW CONFERENCE IN AUGUST ON IAEA ACTIVITIES RELATING TO IMPLEMENTATION NPT.

6. RE PENULTIMATE PARA OF DRAFT LETTER, WE PROPOSE THAT PROVISION OF INFO CALLED FOR IN LETTER COMMENCE NOT LATER THAN SEPTEMBER 1, 1974.

7. ADVISE.
KISSINGER

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